19

Department of Revenue

OFFICE of Board, Land Revenue & Settle

STATION Madras

No. 1884

Dated 26-6-36

To whom sent		Date	Initial
	Given for copying	6-1972-30	
	Copied		
	Examined		
	Signed		
	Given for despatch	DESPATCHED	
	Despatched	30 JUN 1936	
	Indexed		
Pages in t	To be destroyed on*	35/6	

(SUBJECT.)

Encroachment - Land (S. Kanara) - Mangalore Taluk - Sy Nos. 35/1-2 & 76; 76A - Removal from area reserved for town water supply scheme - G.O - Communicated

Not to be filled in in the case of permanent records

RP125

Ref.on A1-11294-29. South Kanara Collector's Office,

B1972 Mangalore, 26th April 1930.

From

C. Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement, Madras..

Sir,

Encroachment - Land - (South Kanara) - Mangalore taluk - Muda Shedde village - S.Nos. 35/1B to 1G and 76/A - Reserved for Hassamer water scheme - Eviction under section 6 of the Land Encroachment Act - appeals.

I submit the following cases of encroachments for -- favour of the Board's orders.

(V) 2. The encroachments dealt with are S.Nos. 35/1B to 1G

(O) and 76/A of Mudashedde village, Mangalore taluk and they form portions of the catchment area of the Hassamer spring source for the Mangalore water supply scheme reserved under orders of Government in G.O.No. 1162 M.Mis., L. & M.Department, dated

(P) 7-7-1917 and entered in the Prohibitory Order Book.

3. The Tahsildar of Mangalore once reported on these

H 18 2 of 2 (Q) encroachments and recommended their assignment to the encroachers on the ground that they form kumaki to the kadim lands of the encroachers, that the encroachments must have existed before the area was reserved for the water scheme and that it would be hard to order their removal as they are substantial and --- valuable. I, however, refused to accord sanction for their -- assignment and ordered their removal in my proceedings D.Dis.

(R) 11246-29/4-1-29 as I found from the Revenue Divisional Officer's report Dis. 163 R-Rev.-17, dated 15-9-1917 that the fields -- S.No. 35 and others reserved for the water scheme were unoccupied at the time and that therefore the encroachments must have -- been made after the reservation.

(S) 4. As ordered by me in my proceedings D.Dis.11246-29/4-1-29 referred to above, the Tahsildar of Mangalore instituted

encroachment proceedings in respect of the plots and passed - orders under sections 3 and 5 of the Land Encroachment Act and submitted the case to the Revenue Divisional Officer who also passed orders of eviction under section 6 of the Act. The -- encroachers have now filed appeals before me against the ---- Revenue Divisional Officer's orders of eviction.

5. As the encroachers contended in their appeals filed before me that they had acquired a prescriptive right to the - plots on account of possession extending over a very long period and as the Tahsildar reported that they existed from before -- Settlement, i.e., before the land was reserved for the water - scheme, I inspected the plots S.Nos. 35/1B to 1G.

6. As reported by the Tahsildar the encroachments S.Nos. 35/1B to 1E and 1G contain substantial and valuable improvements as detailed in the Revenue Inspector's report N.Dis.I.R. 205/38, dated 29-9-28. It is not possible to say from the appearance of the houses when they were built; but something may be --- gathered from the age of the cocoanut and other garden trees i the sites in which they stand. It is quite possible that -- these encroachments might have been in existence for 30 years or more. At any rate they were evidently in existence before the area was reserved for the purposes of the water scheme. As the encroachments are substantial and valuable and made on land which is kumaki to the adjoining kadim lands, eviction in these cases will cause undue hardship and loss to the --- encroachers who are evidently industrious people. As regards 35/1F its occupant is the same man as the occupant of 35/1G--- (1G1 and 1G2). The only improvement in this plot is an un- steined well. It resembles a pit more than a well. Mr. -- Alvares stated on behalf of his encroacher that if he was -- given a small portion of it containing his well, with the -- right of access to it, he would be satisfied. I think a sub division may be formed for this occupier sufficient to give him the site of his well - say 5 cents.

7. The encroachment S.No. 76/A which also lies in the - land reserved for the said water scheme is reported to be ---

similar to S.No. 35/1B &c. I have not inspected this --- encroachment which is reported to measure 84 cents. The Tahsildar's report would show that this encroachment which is also on kumaki land contains old improvements worth about - Rs. 300/- including cocoanut trees and other garden trees the ages of which range from two to fifty years. As eviction in this case will tell hard on the encroacher, I think that -- there is no objection to assign this plot also. I recommend therefore that sanction may be accorded for the assignment of the plots S.Nos. 35/1B to 1E and 1G and 76/A and 5 cents in -- S.No. 35/1F.

8. As the land stands reserved under orders of --- Government and as encroachment proceedings in these cases were instituted under my orders, I have submitted the cases for the Board's orders.

9. I enclose the records noted in the margin for --- reference and return.

1. Records of P.C. 112/38. (O)
2. do. 26 & 112/38. (V)
3. Huzur D.Dis.11246-28/4-1-29. (Q)
4. Huzur Dis.213-R-Rev-17. (Y)
5. Huzur Dis.451-R-Rev-17. (P)
6. Rev.Divl.Officer's D.Dis.893-29, dated 3-3-29. (B)
7. Current file of appeals pages 56. (H)

Your obedient servant,

for Collector.

29.4.30.

B2900

Sectt. I1-15 (a)—36,000—8-1-30.

GOVT. OF MADRAS

Received BOARD OF REVENUE LAND REV. & SETTLEMENT 23 JUN 1930 19 Abstract.

Registered 23 JUN 1930

Encroachment:- Land - (South Kanara) - Mangalore Taluk - Mudashedde village - S.Nos.35/1. B to IG and 76 A. Removed from area reserved for Hassamer water supply scheme.

REVENUE DEPARTMENT.

G.O. No 1143 MS. dated 18th J u n e 1930.

Enclosures. No.

Read the following papers—

G.O.No.1162 M, dated 7th July 1917. (Y)
From the Board of Revenue, Land Revenue and Settlement No.B.1972/30-1, dated 21st May 1930.

P 4 C f

O R D E R:-

In the circumstances reported by the Collector of South Kanara, the Government direct that plot S.Nos.35-1.B to 1-E and 1-G and 76 A and an extent of five cent in S.No.35-1F should be excluded from the area reserved in G.O. No.1162 M, dated 7th July 1917 for the water supply scheme for Mangalore.

(By Order of the Governor in Council)
H.R.Pate,
Secretary to Government.

To
The Board of Revenue, Land Revenue and Settlement.
Copy to the Local Self Government.

F o r w a r d e d.
(By Order)

I.A.D:/-18-6-30.

Superintendent.

4f

Encroachment. Land. (S. Kanara).
Mangalore tk - Muda Shedde ill:-
S. nos 35/1B to 1G and 76. A
Reserved for Hassanur Water
Scheme. Eviction. Appeals

B 1972/30-H1-3f-A

Ref. No B 1972/30. 1, 2 1530
Submitted to Government.

2/ In the circumstances reported by the Collector, the Board recommends that the plots, S. nos. 35-1B to 1E and 1G and 76-A and 5 cents in S. no. 35-1F may be excluded from the area reserved in connection with the Mangalore water supply scheme. ~~and passed to the appellants~~.

21-5-30

Sk
1930
20.5.30

To
The Secretary to Govt
Revenue Department
with records as per list.
3f

DEPT. OF REVENUE
22 MAY 1930

R. F. XXII-A-19.—26,004 - 31-1-29 (6).

FOR MEMBER.

A.S (LR)

Encroachment - Land (S. Kanara) - Mangalore Taluk - Mudasheddi village - S Nos 35/1.B to 5 6, 76.A - Removed from area reserved for Hassamer water supply scheme:-

READ AGAIN B. P. No. G.O - Communicated, dated _____ 192 .

" " " _____ ; " _____ 192 .

READ ALSO :— B - 1972 - 30 Q P P 1 - 3 e f

Register No. _____, From the _____, No. _____, dated _____ 192

B - 2900 - 30. A P 5 ef

" " _____, " " _____, _____, " _____ 192

" " _____, " " _____, _____, " _____ 192

RESOLUTION. M is . No. 1884, dated 26 6 - 1930

Communicated to the Collector of South Kanara.

26-6-30

Issue
26.6.30

To the Collector of South Kanara with Records as per list by Regd Book/post

HW
25/6/30
26.6.30

LIST OF RECORDS IN DUPLICATE

1. Records of E.C.152/38
2. Records of E.C.26 & 112/38.
3. Huzur D.Dis.11246-23/4-1-29.
4. Huzur Dis.213-R.Rev-17
5. Huzur Dis. 451-R.Rev.17
6. Rev.Divl. Officer's D.Dis.893-29, dated 3-3-29.
7. Current file of appeals pages 56.

Encroachment. Land - Kodiyala
Mangalore tk - Muda Shedde in
S nos. 35/1B to 7G & 76-A - Reserve
for Hassanur Water Scheme -
Eviction. Appeals

B1977/30 - ff 1-3 ✓

To AS.

The Collector's letter at ff 1-3 is full and clear. The lands encroached upon form portions of the catchment area of the Hassan spring, which was reserved by Govt. in their order no 1162 M. Rev 7.7.17 as there was a Scheme to supply water to Mangalore town from that source. The G.O was not communicated to the Revenue Department or to the Board. The Collector reports that the encroachments had existed even before the reservation was ordered and that they contain substantial and valuable improvements. Govt. have to be addressed to exclude these portions from the area originally reserved.

(Y)

H 203 ✓

- - Mr Meston has not reported whether the scheme to supply water to the town from the Hassanur Spring Source is working now and if not, when it is likely to mature. Perhaps he may be asked to report on this point first, before Govt. are addressed. Yours

14-5-30

This wire seems unnecessary - In any case Govt. will have it. we may address Govt

15/5/30

13.5.30

Draft submitted

15/5/30

21.5.30

Issue

21.5.30

15/5

the Collector has not reported
whether the scheme to supply water
to the town from the Hassanur Spring
Source is working now and if not,
when it is likely to mature.
Perhaps he may also be asked to
report on this point first, before
Govt. are addressed. For orders.

14-5-30

Put up: Seems unnecessary. In any case Govt. will have it. We may address Govt.

15/5/30

M

Draft submitted

21-5-30

21.5.30

20.5.30